

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

03 - 20452 CR - UNGARO - BENAGES
CASE NO.

21 U.S.C. § 952(a)
21 U.S.C. § 841(a)(1)

**MAGISTRATE JUDGE
BROWN**

UNITED STATES OF AMERICA

vs.

SHANELL ANTOINE JAMES,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about May 25, 2003, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

SHANELL ANTOINE JAMES,

did knowingly and intentionally import into the United States, from a place outside thereof, a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Sections 952(a) and 960(b)(2).



COUNT 2


On or about May 25, 2003, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

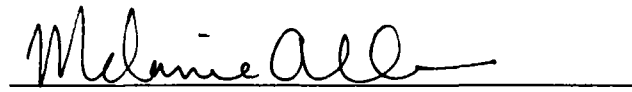
SHANELL ANTOINE JAMES,

did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

A TRUE BILL


FOREPERSON


MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY


MELANIE ALLEN
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. **20452** CR-UNGARO-BENAGI
CERTIFICATE OF TRIAL ATTORNEY*

vs.

SHANELL ANTOINE JAMES,

Defendant.

MAGISTRATE JUDGE

Superseding Case Information: **BROWN**

Court Division: (Select One)

☒ Miami ☐ Key West
☐ FTL ☐ WPB ☐ FTPNew Defendant(s) Yes ☐ No ☐
Number of New Defendants ☐
Total number of counts ☐

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) No
List language and/or dialect _____

- This case will take 3 days for the parties to try.

- Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty	<input type="checkbox"/>
II	6 to 10 days	<input type="checkbox"/>	Minor	<input type="checkbox"/>
III	11 to 20 days	<input type="checkbox"/>	Misdem.	<input type="checkbox"/>
IV	21 to 60 days	<input type="checkbox"/>	Felony	<input checked="" type="checkbox"/>
V	61 days and over	<input type="checkbox"/>		

- Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____
(Attach copy of dispositive order)

Case No. _____

Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

Magistrate Case No. 02-2712-O'Sullivan

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of 5/12/03

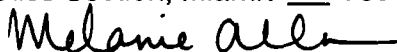
Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? ☐ Yes ☒ No If yes, was it pending in the Central Region? ☐ Yes ☐ No

- Did this case originate in the Narcotics Section, Miami? ☐ Yes ☒ No

MELANIE ALLEN
ASSISTANT UNITED STATES ATTORNEY
BAR NO. 0498440

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

~~PENALTY SHEET~~
03-20452**CR-UNGARO-BENAGES**Defendant Name: SHANELL ANTOINE JAMES Case No. _____**MAGISTRATE JUDGE****BROWN**

Count #: 1

21 U.S.C. § 952(a)/Importation of Heroin

*Max Penalty: 40 Years' Imprisonment

Count #: 2

21 U.S.C. § 841(a)(1)/Possession with the Intent to Distribute Heroin

*Max Penalty: 40 Years' Imprisonment

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 03-2712-0 Sullivan

UNITED STATES OF AMERICA,

vs.

Shantell Antoine James

This cause came before the Court and pursuant to proceedings held, it is thereupon

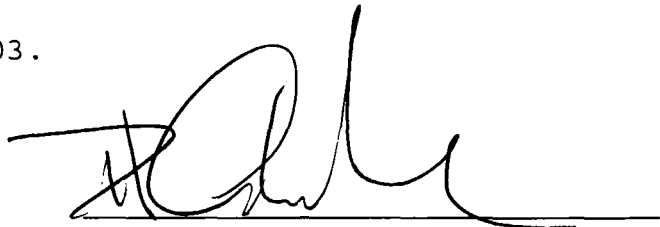
ORDERED AND ADJUDGED as follows:

For good cause shown by the defendant, and with no objections from the Government, Pretrial Detention Hearing on the above named defendant (s) is hereby reset to 6/10/03 at 10:00 a.m. before the Duty Magistrate.

DONE AND ORDERED at Miami, Florida this 5 day of

June, 2003.

TAPE NO:03B-10-3444



PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense Counsel **AFPD**
Pretrial Services
U.S. Marshal

9/20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 03-2712-O'SULLIVAN

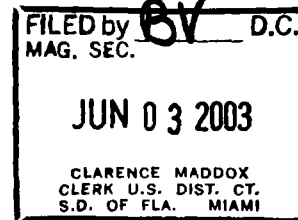
UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANELL ANTOINE JAMES,

Defendant.



**ORDER GRANTING IN PART DEFENDANT'S
MOTION TO PRESERVE EVIDENCE**

This matter came before the Court upon Defendant's Motion to Preserve Evidence (6/2/03). Having reviewed the applicable filings and law, it is

ORDERED AND ADJUDGED that Defendant's Motion to Preserve Evidence is hereby **GRANTED in part**, as follows:

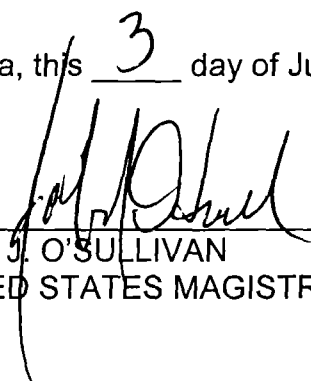
1) Within thirty (30) days of the date of this Order the defendant is to make arrangements with the government and the government is to provide access to any narcotics seized in order that a defense expert may weigh any narcotics seized.

2) Within ten (10) days of this Order the defendant is to make arrangements with the government and the government is to provide access to any personal property of the defendant in the government's possession for copying and/or photographing by the defendant. The defendant and government are to meet and attempt to agree to any specific items of property which must be preserved for trial. If the defendant and government cannot agree to the preservation of particular items of property, the defendant is to file with the court a specific listing of the property which they believe

S/Ch

should be preserved and the reasons for their preservation and the government is to preserve the particular items for which an agreement cannot be reached until further order of this Court.

DONE AND ORDERED at Miami, Florida, this 3 day of June 2003.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:

United States Pretrial Services
United States Attorney's Office
All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 03-2712-O'Sullivan

**NIGHT BOX
FILED**
JUN 02 2003
CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANELL ANTOINE JAMES,

Defendant.

DEFENDANT'S INVOCATION OF RIGHTS TO SILENCE AND COUNSEL

The defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to: matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures; or that may be relevant to sentencing, enhanced punishments, factors applicable under the U.S. Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction; appeals or other post-trial proceedings.

The defendant requests that the U.S. Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or

employees associated with the investigation of any matters relating to the defendant. Any contact with the defendant must be made through the defendant's lawyer, undersigned counsel.

Respectfully submitted,

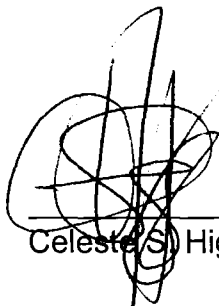
KATHLEEN M. WILLIAMS
Federal Public Defender

By. 

Celeste S. Higgins
Supervisory Assistant Federal Public Defender
Florida Bar No. 909718
150 West Flagler Street, Suite 1700
Miami, Florida 33130-1550
Phone/Fax (305) 530-7000/536-4559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument was mailed this 30th day of May, 2003 to the United States Attorney's Office, 99 N.E. 4th Street, Miami, Florida 33128.


Celeste S. Higgins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 03-2712-O'Sullivan

**NIGHT BOX
FILED**
JUN 02 2003
CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANELL ANTOINE JAMES,

Defendant.

DEFENDANT'S MOTION TO PRESERVE EVIDENCE

Defendant, Shanell Antoine James, through counsel, and pursuant to Federal Rule of Criminal Procedure 16 requests an order directing the government to preserve and immediately directs its agents and to preserve all evidence in this case as enumerated below for the reasons set forth below.

1. Mr. James was arrested for the importation and possession with intent to distribute heroin in violation of 21 U.S.C. § 952(a) and 21 U.S.C. § 841(a)(1).
2. At his arrest, all his personal effects were seized, including his luggage.
3. All contraband was seized and is in the custody of the government as well.
4. All items "obtained from or belonged to" the defendant must be preserved to permit authorized discovery. Fed. R. Crim. P. 16; Standing Discovery Order; *see also United States v. Rodriguez*, 799 F.2d 649, 652 (11th Cir. 1986). Any of all of this material may be material to preparation and presentation of an effective defense. Mr. * requests that the entirety of the contraband be preserved in the event that a reweighing

[Handwritten signature]

is necessary. Therefore, Mr. James seeks an order requiring preservation of any and all evidence in this case.

Respectfully submitted,

KATHLEEN M. WILLIAMS
Federal Public Defender

By: 

Celeste S. Higgins
Supervisory Assistant Federal Public Defender
Florida Bar No. 909718
150 West Flagler Street, Suite 1700
Miami, Florida 33130
Telephone: (305) 530-7000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 30th day of May, 2003, to the United States Attorney's Office, 99 N.E. 4th Street, Miami, Florida 33132.



Celeste S. Higgins

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO: 03-2712-O'Sullivan

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Shaneil Antoine James,
Defendant.

THIS CAUSE came before the Court and pursuant to proceedings
it is thereupon

ORDERED AND ADJUDGED as follows:

Defendant requested QJA Counsel.
AFPD allowed to withdraw.
QJA Counsel to be appointed

DONE AND ORDERED at Miami, Florida this 3rd day of
June, 2003.

TAPE NO: 03B-8-755

c: AUSA
Defense Counsel
Pretrial Services
U.S. Marshal


PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE

5/m

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 03-2712- O'Sullivan

UNITED STATES OF AMERICA,

vs.

Shanell Antoine James,

This cause came before the Court and pursuant to proceedings held, it is thereupon

ORDERED AND ADJUDGED as follows:

For good cause shown by the defendant, and with no objections from the Government, Pretrial Detention Hearing on the above named defendant (s) is hereby reset to 6/5/03 at 10:00 a.m., at 10:00 a.m. before the Duty Magistrate.

DONE AND ORDERED at Miami, Florida this 3rd day of June, 2003.

TAPE NO:03B-8-755


PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE

c: AUSA
Defense Counsel
Pretrial Services
U.S. Marshal

4/11/03

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 03-2712 O'Sullivan

UNITED STATES OF AMERICA

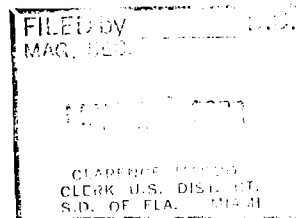
Plaintiff,

V.

SHANELL ANTOINE JAMES

DOB: 5-18-75 **(J) 69829-004**

Defendant.



ORDER ON INITIAL APPEARANCE

AUSA
Agent

Language ENGLISH

Tape No. 03A-

The above-named defendant having been arrested on 5-28-03 having appeared before the court for initial appearance on 5-29-03 and proceedings having been held in accordance with **Fed.R.Cr.P. r. 5 or 40(a)**, it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
2. FDI _____ appointed as permanent counsel of record.
Address: _____
Zip Code: _____ Telephone: _____
3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 a.m. on _____, 2003.
4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 6/11, 2003.
5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because split allegiances not a danger
A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 6/3, 2003.
6. The defendant shall be release from custody upon the posting of the following type of appearance bond pursuant to 18 U.S.C. Section 3142:

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

- ___a. Surrender all passports and travel document to the Pretrial Services Office.
- ___b. Report to Pretrial Services as follows: ___times a week by phone, ___time a week in person;
other: _____
- ___c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.

Lee

SHANELL ANTOINE JAMES

- ☐ d. Maintain or actively seek full time gainful employment.
☐ e. Maintain or begin an educational program.
☐ f. Avoid all contact with victims of or witnesses to the crimes charged.
☐ g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
☐ h. Comply with the following curfew: _____
☐ i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
☐ j. Comply with the following additional special conditions of this bond: _____

This bond was set: At Arrest ☒
On Warrant _____
After Hearing _____

If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

_____ If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.
8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida this 29th day of MAY, 2003.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

c: Assistant U.S. Attorney
Defense Counsel
Pretrial Services/Probation

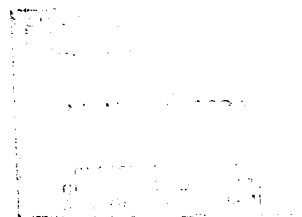
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 03-2712-JJU

UNITED STATES OF AMERICA

vs.

SHANELL ANTOINE JAMES
_____ /



CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? ____ Yes X No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999? ____ Yes X No

Respectfully submitted,

MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

BY: _____


MARK LAPOINTE
ASSISTANT UNITED STATES ATTORNEY
FLORIDA BAR NO. 0172601
99 N. E. 4th Street, Suite 600
Miami, Florida 33132-2111
TEL (305) 961-9118
FAX (305) 530-7976

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

SHANELL ANTOINE JAMES

CASE NUMBER: 03-2712-JV

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 25, 2003, at Miami International Airport, Miami-Dade County in the Southern District of Florida and elsewhere, the defendant did knowingly and intentionally import into the United States from a place outside thereof, a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 952(a); and did knowingly and intentionally possess with the intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent and that this complaint is based on the following facts:

On or about May 25, 2003, the defendant, SHANELL ANTOINE JAMES, arrived at Miami International Airport aboard AMERICAN AIRLINES Flight #1880 from Curacao. After being admitted into the United States by the Bureau of Customs and Border Protection, the defendant presented himself and his luggage to the Bureau of Customs and Border Protection for examination. During a secondary examination, Bureau of Customs and Border Protection Inspectors suspected the defendant to be an internal carrier of narcotics. An x-ray taken of the defendant indicated several pellets distributed throughout his intestinal tract. One hundred twenty-six (126) pellets were subsequently recovered from the defendant's body. A field test of the white powdery substance found in the pellets proved positive for the presence of heroin. The estimated gross weight of the white powdery substance found inside the pellets was 2.38 pounds.



Signature of Complainant

CHINELLE MEDINA, SPECIAL AGENT

BUREAU OF IMMIGRATION & CUSTOMS ENFORCEMENT

MAY 29, 2003

Sworn to before me, and subscribed in my presence,

MAY 29, 2003

Date

at Miami, Florida

City and State

JOHN J. O'SULLIVAN

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer

UNITED STATES DISTRICT COURT
Southern District of Florida

UNITED STATES OF AMERICA
Plaintiff

V.S.

Case Number: CR

03-2712-01 Section

REPORT COMMENCING CRIMINAL
ACTION

Shanell Antoine James
Defendant

69829-004

TO: Clerk's Office, U.S. District Court:

Miami

Ft. Lauderdale

W. Palm Beach

NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES COURT ABOVE

All items are to be completed. Information not applicable or unknown will be indicated "N/A"

- (1) Date and Time of Arrest: 5/28/03 @ approx 8:00pm
(2) Language Spoken: English
(3) Offense(s) Charged: 21USC952-UNLAWFUL IMPORTATION OF NARCOTICS heroin
21USC841(A)-POSSESSION W/INTENT TO DIST. NARCOTICS
(4) U.S. Citizen: (☒) Yes () No () Unknown
(5) Date of Birth: 5/18/75
(6) Type of Charging Document: (Circle One)
() Indictment (☒) Complaint (☒) To Be Filed () Already Filed

Case #: _____

- () Bench Warrant for Failure to Appear
() Probation Violation Warrant
() Parole Violation Warrant

Originating District: Southern District of Florida

COPY OF WARRANT LEFT WITH BOOKING OFFICER: () Yes () No

Amount of Bond: \$ _____ Who Set Bond? _____

- (7) Remarks: _____
(8) Date: 5-28-03 (9) Arresting Officer: S/A Chinelle Medina
(10) Agency: ICE (11) Telephone #: (786) 265-6919
(12) Comments: _____

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